

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – P.R. & R.D. Department – Sri K. Gajanan Rao, MPDO [Retd.] of Adilabad District – Committed certain irregularities and misappropriated of Govt. funds while working at Uttnoor and Narnoor Mandals – Charges framed – Enquiry conducted – Charges proved – Show-cause Notice Issued - Imposition of punishment of 100% cut in pension permanently under Rule 9 of AP. Revised Pension Rules, 1980 – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT [VIG.III-A] DEPARTMENT

G.O.Ms.No. 64

Dated:23.3.2011.
Read the following:-

- 1] G.O.Rt.No.137, PR & RD Dept., dt: 25.1.1990.
- 2] From the A.O. and E.O. Charge Memo. No.P1/2394/89, dt.24.5.1990.
- 3] From the CPR & RE Proceedings No.10486/I.2/93, dt.23.6.1993.
- 4] From the DDO, ZP Adilabad & EO Charge Memo.No.1050/93, dt.24.6.93.
- 5] G.O.Rt.No.1279, PR & RD Dept., dt: 27.6.1995.
- 6] Govt. Memo.No.31208/Estt.VII.2/94-3, dt.19.9.2000.
- 7] From the representation of Sri K. Gajanan Rao, MPDO [Retd] dt.2.10.2000.
- 8] Govt.Memo.No.31208/Vig.III/A/1994-13,dt:31.3.2005.
- 9] From the CEO ZP Adilabad Lr.No.P1/1050/1993, dt:21.3.2006.
- 10]Govt.Memo.No.31208/Vig.III-A/1994-19, dt.19.2.2007.
- 11]Explanation of Sri Gajanan Rao, MPDO [Retd], dt: 22.3.2007.
- 12]Govt.Lr.No.31208/Vig.III-A/1994-25, dt:14.12.2007.
- 13]From the Secretary, APPSC Lr.No.1826/RT-I1/2007,dt:29.2.2008.

<<>>

It has been brought to the notice of the Government by the Chief Executive Officer, Zilla Parishad, Adilabad, that Sri K.Gajanan Rao, MPDO during his tenure at Mandal Parishad w.e.f. 11.10.1988 to 3.5.1989 and in-charge MPDO from 29.6.1989 to 17.7.1989 at Mandal Parishad, Uttnoor has committed certain financial irregularities and requested the Govt. to initiate suitable disciplinary action against the individual. Based on the recommendations of the C.E.O., Z.P., Adilabad, the Accounts Officer, Z.P., Adilabad was appointed as Inquiry Officer to conduct a detailed inquiry into the irregularities committed by the Delinquent Officer, vide G.O.Rt.No.137, PR &RD (Estt.VIII) Dept., dt. 25.1.1990.

2] The Enquiry Officer has framed 9 charges against the Delinquent Officer and directed him to submit his explanation vide charge Memo dated 24.5.1999 and also permitted to verify the records on the request of Sri K.Gajanan Rao, MPDO [Retd], but he did not submit his explanation with in the stipulated time, it was presumed that he has no explanation to offer and the charges are held proved.

3] Further, Chief Executive Officer, Zilla Parishad, Adilabad has report that Sri K.Gajanan Rao, during his tenure at Mandal Parishad,Narnoor has also committed certain irregularities in JRY Scheme. The Special Audit conducted by the Audit Officer, Local Fund, Adilabad has revealed certain financial irregularities.

PTO

4] The Commissioner for Panchayat Raj & Rural Employment, AP-Hyderabad who has been requested to furnish the total misappropriated amount committed by Sri K. Gajanan Rao, MPDO [Retd] during his tenure in Utnoor and Narnoor, has informed that the misappropriated amount in respect of both M.P. Utnoor and M.P. Narnoor is Rs.5,16,650/- which need to be recovered from Sri K. Gajanan Rao, MPDO [Retd].

5] In the reference 10th read above, a Show-Cause Notice has been issued against Sri K. Gajanan Rao, MPDO [Retd] to impose 100% cut in pension permanently under AP Revised Pension Rules, 1980, besides recovery of an amount of Rs.5,16,650/- as per the Revenue Recovery Act, as he was involved in serious charges of misappropriation of Government funds and directed him to submit his explanation on the provisional decision taken by the Government.

6] In the reference 11th read above, Sri Gajanan Rao, Retired MPDO has submitted his explanation to the Show-Cause Notice. As the explanation submitted by the Delinquent Officer was not satisfactory, Government after careful examination of the matter, have decided to confirm the provisional decision to impose penalty of 100% cut in pension permanently under A.P. Revised Pension Rules, 1980 besides recovery of the amount of Rs.5,16,650/- as per Revenue Recovery Act against Sri K.Gajanan Rao, Retired MPDO, Adilabad district.

7] In the reference 12th read above, the Secretary, A.P. Public Service Commission was addressed for concurrence to the above decision of Government. In the reference 13th read above, the AP. Public Service Commission has agreed the proposal of the Government, to impose punishment of 100% cut in pension permanently besides recovery of an amount of Rs.5,16,650/- against Sri K. Gajanan Rao, MPDO [Retd] Adilabad District.

8] As the matter is stood thus, Sri K. Gajanan Rao, has approached the Hon'ble A.P.A.T., and filed O.A.No.3293 of 2008 to quash the Charge Memos dt.24.5.1990, 24.6.1990 and 27.10.1990 and Show cause notice dt.19.2.2007. The Hon'ble APAT in its interim orders dt:25.4.2008, has directed that pending disposal of the O.A. there shall be stay of all further proceedings pursuant to impugned proceedings, dated 19.2.2007.

9] The Hon'ble APAT in its final orders dated: 22.12.2010 in O.A.No.3293 of 2008 pronounced judgment as follows:-

"The contention of the applicant as seen from the application is that though the applicant filed his defence statement to the show cause notice, no orders have been passed. Therefore, he approached this Tribunal assailing the charge memos and show cause notice. He has not raised any other ground as to why the show cause notice is liable to be set-aside. In the absence of any other ground, the show cause notice cannot be quashed.

Since the applicant is contending that he has already filed his defence statement to the show cause notice, **the respondents are directed to pass appropriated orders as per rules taking into account the explanation filed the applicant regarding quantum of punishment that is going to be imposed against him, within a period of four weeks from the date of receipt of a copy of this order.** The O.A. is accordingly disposed of interim orders stand vacated".

Contd..3

10] The Government, after careful examination of the matter with reference to material-on-record and explanation offered by the individual and also keeping of the opinion of A.P. Public Service Commission and final orders of APAT in O.A.No.3293 of 2008 dated: 22.12.2010, hereby impose penalty of withholding of 100% cut in pension permanently under Rule 9 of AP. Revised Pension Rules, 1990 against Sri K. Gajanan Rao, MPDO [Retired], Adilabad district for the charges levelled against him are held proved. In respect of recovery of misappropriated amount, Govt. have taken a lenient view and waived the amount of Rs.5,16,650/- to do justice to his family.

11] The Commissioner for Panchayat Raj & Rural Employment, AP. Hyderabad shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT [PR]**

To
Sri K. Gajanan Rao, MPDO [Retired],
Adilabad district through CPR & RE.
The Commissioner for Panchayat Raj & Rural Employment,
AP Hyderabad.
The Chief Executive Officer, ZP. Adilabad District.
Copy to:-
The District Treasury Officer, Adilabad district.
The Accountant General, AP. Hyderabad.
The Secretary to V.C., AP. Vigilance Commission.
The Secretary, AP. Public Service Commission, Hyderabad.
The Government Pleader for Panchayat Raj,
AP. Administrative Tribunal, Hyderabad.
The Administrative Officer, AP. State Legal Services Authority,
Nyaya Seva Sadan, Purani Haveli, Hyderabad – 500 002.
[w.r.t.Lr.Roc.No.6938/LSA/07, dt.28.1.2011.]
SF/SC.

//FORWARDED BY :: ORDER//

SECTION OFFICER.